

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

**Criminal Number
05-CR-529 (DNH)**

JONATHAN BAKER,

aka “JB”

GEORGE FULLER,

aka “Shawn Bowen”, and

KELVIN MINOTT,

aka “Slim”,

Defendants.

VOIR DIRE REQUESTS OF THE UNITED STATES

Dated: October 4, 2006

GLENN T. SUDDABY
United States Attorney

/s/
By: Lisa Marie Fletcher
Assistant U.S. Attorney
Bar Roll No. 510187

VOIR DIRE REQUESTS OF THE UNITED STATES

The United States asks the Court to inquire into general matters concerning each potential juror, including the juror's name, city of residence, employment, educational background, hobbies, occupations of children and spouse, and similar matters. The United States further requests that the Court ask potential jurors the following questions:

1. Do you know the defendants? Have you or any family member had any relationship or dealings with the defendants?
2. Do you know, or have you or any member of your family been represented by any of the defendants' attorneys? Have you or any family members or business associates had any dealings with any of them?
3. Do you know the United States Attorney Glenn Suddaby or Assistant United States Attorneys Lisa Fletcher or Ransom Reynolds?
4. This case involves the charge of conspiracy to distribute and possess with intent to distribute cocaine base, commonly known as crack, and the possession of crack with the intent to distribute it. Have you had any experiences or do you have any feelings about these subjects that would make it difficult for you to be an impartial juror in this case?
5. Is there any member of the jury panel who personally believes that the criminal laws relating to crack cocaine should be abolished or not enforced?
6. Is there any member of the jury panel who is or has been associated in any manner with a group, society, or organization (such as NORML or Reconsider) which advocates or supports the abolition or revision of the laws relating to the possession, use, or sale of heroin, marijuana, cocaine, or other controlled substances?

7. Do you now, or have you ever held an elected or appointed public office or position, or been an officer of a private organization?

- a. If so, when?
- b. With what organization or entity?
- c. What was the office or position?
- d. What were your duties and responsibilities?
- e. Do you think that your experience in that office or position would in any way affect your ability to sit as a juror in this case?

8. If you were to learn that a co-conspirator would testify against the defendant in this case, could you still decide this case impartially?

- a. Do you feel that people should not cooperate with the government or testify against their acquaintances?
- b. Do you have any thoughts concerning the use of cooperating co-conspirators in the prosecution of crimes?
- c. Are you satisfied that you could listen to the testimony of a cooperator and fairly weigh his or her credibility just as you would weigh the credibility of any other witness?

9. Is there any member of the jury who feels that he or she could never return a verdict of guilty in any criminal case where an individual who testifies has a criminal record?

- a. Are you satisfied that you could listen to the testimony of a witness who may have a criminal record and fairly weigh his or her credibility just as you would weigh the credibility of any other witness?

10. Have you seen, read, or heard any publicity or news coverage of any kind relating to this case?

- a. If so, what (generally) was the nature of the publicity that you were exposed to?
- b. Did that publicity make a strong impression on you?
- c. Based on this publicity, have you formed an opinion or impression about this case or as to the guilt or innocence of the defendant?
- d. Can you decide this case solely on the evidence presented in Court and the instructions of law that I give you and set aside any influence from any publicity that you have seen, read, or heard?

11. Have you discussed this case with any family members, friends, or other acquaintances prior to coming to Court?

- a. If so, have those discussions caused you to form any opinions or impressions about this case or as to the guilt or innocence of the defendant?
- b. Can you set aside any opinion or impression formed from these discussions and render a verdict based only on the evidence presented in Court and the law as I give it to you?

12. Have you ever served as a juror in a criminal or civil case in either Federal or state court?

- a. Was it a civil or a criminal case?
- b. Without stating the verdict, please state whether the jury reached a verdict.
- c. Has your experience as a juror influenced your opinion of this case in any way?
- d. Will you be able to judge the facts of this case fairly and impartially based on the evidence presented to you without reference to your past participation as a juror?

e. Will you accept the law as I give it to you without regard to what was said by any other judge in any other case?

f. Do you feel that your participation as a juror at another time would in any way impair your ability to be a fair and impartial juror in the trial of this case?

13. Have you ever served as a member of a Grand Jury?

a. Was it a Federal Grand Jury or a state or local Grand Jury?

b. Will you accept the law as I give it to you in this case without regard to any legal instructions you received in connection with serving as a Grand Juror?

c. Do you feel that your participation as a Grand Juror would in any way impair your ability to be a fair and impartial juror in the trial on this case?

14. Have you ever been in any branch of the armed forces of the United States?

a. Which branch?

15. For the following questions, please raise your hand if the answer is yes, and I will ask you to come up to the Bench to inquire further.

a. Have you or any family member or any close friend ever been charged with a crime?

1. What were the charges?

2. What was the outcome?

3. Would anything about that experience impair your ability to be an impartial juror in this case?

b. Have you or any family member or close friend had a problem with drugs?

1. What was the nature of the problem?

2. Would anything about that experience impair your ability to be an impartial juror in this case?

16. Have you ever had, do you now have, or do you anticipate having any case or dispute with or claims against the United States Government?

a. What is the nature of your actual or potential dispute, case or claim with the United States Government?

b. How does the existence or possibility of such a dispute, case or claim bear on your ability to be an impartial juror on this case?

17. Have you or anyone close to you had an experience or do you have feelings about the judicial system or law enforcement agencies that would make it difficult for you to be impartial and base your verdict only on the evidence in this case?

18. Do any of you think that law enforcement or the criminal justice system is not fair?

a. If so, are your feelings so strong that they would affect your ability to consider the evidence in this case?

b. If so, are your feelings so strong that you would not be willing to consider the evidence with the other jurors after you have heard all the evidence and my instructions on the law?

19. Have you or any family member ever been the subject of an investigation or audit by any agency of the United States Government, or ever been a party in a prosecution or lawsuit involving the Federal Government?

20. Have you or any family member or close friend ever been the victim of any crime or participated in a criminal case as a complainant, a witness, or in some other capacity?

a. Without going into detail, please describe the nature of that experience.

1. Report the crime to police?
2. File a police report/affidavit with police?
3. Testify before a Grand Jury or at Trial?
4. Aware of outcome of case?

b. Would anything about that experience make it difficult for you to serve as an impartial juror in this case?

21. If you find that you disagree with the law which I give to you to apply, would you have any difficulty nonetheless applying that law and reaching a verdict in this case?

22. The law requires that you base your verdict on the facts as you find them from the evidence. The law does not permit you to consider any emotions at all such as sympathy, prejudice, vengeance, fear, or hostility for or against either side in this case. Would you find it difficult to put these emotions out of your mind when deliberating on a verdict?

23. Do you have an unusual financial hardship or other serious problem that would prevent you from serving as a juror in this case?

24. Is there anyone who has religious, moral, or philosophical beliefs that would prevent them from deliberating and reaching a verdict in a criminal case such as this?

25. Do you know of any other reason why you could not be a fair and impartial juror in this case?